REMARKS

In the February 4, 2011 Office Action, claims 1-10 stand rejected in view of prior art, while claims 9 stands rejected as being in the improper form of means-plus-function. Claims 1 and 9 stand rejected as being indefinite. Also, claims 1-9 stand rejected as being directed to non-statutory subject matter.

No other objections or rejections were made in the Office Action.

Status of Claims and Amendments

In response to the February 4, 2011 Office Action, Applicant has amended claims 1-8 and 10, and canceled claim 9, as indicated above. Thus, claims 1-8 are pending, with claims 1 and 10 being the only independent claims. Reexamination and reconsideration of the pending claims are respectfully requested in view of above amendments and the following comments.

Claim Rejections - 35 U.S.C. §112

On pages 2-4 of the Office Action, claim 9 was rejected under 35 U.S.C. §112, second paragraph, as being in the improper form of means-plus-function claim. In response, Applicant has canceled claim 9, rendering the rejection moot.

On page 5 of the Office Action, claims 1-8 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite. In response, Applicant has amended claims 1 and 8. More specifically, claim 1 was rejected because it was unclear whether the deviation occurred before the moving object reached the destination or after the moving object reached the destination. In response, Applicant has amended claim 1 to recite controlling the movement object which moves from the point the destination on the basis of the deviance. The deviation is set before the moving object reaches the destination, but still the moving object is controlled on the basis of the deviance.

On page 5 of the Office Action, claim 9 was rejected under 35 U.S.C. §112, second paragraph, as being indefinite. In response, Applicant has canceled claim 9, rendering the rejection moot.

Claim Rejections - 35 U.S.C. §101

On pages 7 and 8 of the Office Action, claims 1-8 were rejected under 35 U.S.C. §101, as being directed to non-statutory subject matter. In response, Applicant has amended claims 1-8 to recite the non-transitory computer readable medium, which is believed to be a statutory subject matter.

On pages 7 and 8 of the Office Action, claim 9 was rejected under 35 U.S.C. §101, as failing to define a statutory category of invention. In response, Applicant has canceled calim 9, rendering the rejection moot.

Rejections - 35 U.S.C. § 103

On pages 9-14 of the Office Action, claims 1, 3-4, and 7-10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,494,783 (Namba et al) in view of Japanese Patent Application Publication No. 2001-129249 (Hoshino). On pages 14-17 of the Office Action, claims 2, 5, and 6 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Namba et al. in view of Hoshino and U.S. Patent No. 2005-0153764 (Sterchi). In response, Applicant ha s amended independent claims 1 and 10 as mentioned above.

More specifically, Applicant has amended claim 1 to recite, at least:

> an operation display function for **continuously** displaying the dispatch operation of the character on the monitor when the first request receiving function has received the operation initiation request; and

the moving object control function setting and controlling the deviation of the movement object at the destination on the basis of the point of dispatching the moving object **when** the dispatch operation of the character is **continuously** displayed on the monitor by the operation display function.

Claim 1 includes a moving object control function for setting point of dispatching the moving object from the character according to a timing at which the second request receiving function received the dispatch request. Claim 1 also recites setting extend of deviance of a destination, and controlling the moving object which moves from the point to the destination on the basis of the deviance. In a baseball video game, as an example described in one of the preferred embodiment, when a pitcher character is being displayed on a monitor in a process of pitching a ball, a CPU recognizes an input command by a user for pitching (please see [0041]). Then, depending on the point of releasing the ball when the pitcher is pitching, the CPU will control deviation of the ball at a destination, in this case at a catcher (please see [0044]). Therefore, the user can see the pitcher character in the process of pitching which is continuously displayed to decide the point for releasing the ball. This point for releasing the ball will affect a course of the ball in arriving the catcher (please see [0049], [0054], and [0060]). This is realized by the claimed invention which include the moving object control function because it is arranged to set the deviation of the moving object at the destination on the basis of the point of dispatching the moving object. This explanation by referring to the embodiments is not intended to limit the scope of the claims, but to provide better understanding of the claimed invention.

Namba et al. were cited in the Office Action to reject claim 1 by showing a first request receiving function, an operation display function, a second request receiving function,

a moving object control function, and a moving object display function. However, the Office Action states that Namba et al. do not appear to teach setting the deviance.

Hoshino was cited in the Office Action to reject claim 1 by showing setting extend of deviance of a destination and controlling the moving object.

However, Applicant respectfully asserts that neither Namba et al., Hoshino, nor the combination thereof render the claimed invention obvious. Specifically, Namba et al. appear to disclose a pitcher character initiating pitching by a user pressing a button, as described in paragraphs [0030] and [0034], and Figs. 3 and 7, for example. There is a display control gauge which is displayed with an indicator. After the indicator stops by the user pressing the button, speed of the ball is decided on the basis of where the indicator is. Then, after the speed is decided, motion of the pitcher in pitching is ceased, as described in Figs. 3(C) and 3(D). When the button is pressed again while the indicator is moving on the display control gauge, a course of the ball is decided on the basis of where the cursor is. The Office Action allegedly indicates that the pitching of the ball by the pitcher towards the batter character on the display as in combination with the control gauge CG movement if pitch type, pitch position and pitch set are positively determined to be properly set. However, Namba et al. appear to teach merely the pitching motion being displayed together with the control gauge CG until the speed of the ball is decided. When the course of the ball is decided, the motion of the pitcher is ceased, and, at that time, only a state of the control gauge is displayed. Although the user can select the course of the ball after the speed being set, the user cannot set the point of releasing the ball to select the course while seeing the pitcher in the pitching motion. Applicant respectfully asserts that it is clear for one skilled in the art from Figs. 3(C) and 3(D) of Namba et al. which show the arrangement that while the indicator is moving, the pitcher character is ceased. Therefore, Applicant respectfully asserts that when the user is

selecting the course, the pitching motion is not combined in displaying. That is, Namba et al. fail to teach the moving object control function of the claimed invention which sets and controls the **deviation** of the movement object at the destination on the basis of the point of dispatching the moving object **when** the dispatch operation of the character is **continuously** displayed on the monitor by the operation display function.

Hoshino is believed to be silent regarding the above-mentioned arrangements. Sterchi was cited in the Office Action to show a first timing display function. Therefore, Applicant respectfully asserts that Sterchi does not cure the deficiencies of Namba et al. and Hoshino. It is well settled in U.S. patent law that the mere fact that the prior art can be modified does **not** make the modification obvious, unless the prior art provides an **apparent reason** for the desirability of the modification. Accordingly, the prior art of record lacks any apparent reason, suggestion or expectation of success for combining the patents to create the Applicant's unique arrangement of non-transitory computer readable medium.

As claim 10 similarly recite, Applicant respectfully asserts that claim 10 is also allowable for the same or similar reasons stated above.

Moreover, Applicant believes that dependent claims 2-8 are also allowable over the prior art of record in that they depend from independent claim 1, and therefore are allowable for the reasons stated above. Also, claims 2-8 are further allowable because they include additional limitations. Thus, Applicant believes that since the prior art of record does not disclose or suggest the invention as set forth in independent claim 1, the prior art of record also fails to disclose or suggest the inventions as set forth in the dependent claims.

Therefore, Applicant respectfully requests that the rejections be withdrawn in view of the above comments and amendments.

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In view of the foregoing amendment and comments, Applicant respectfully asserts that claims 1-8 and 10 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested.

Respectfully submitted,

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Dated: April 20, 2010

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